

Senate Bill 271

By: Senators Kennedy of the 18th, Cowser of the 46th, Stone of the 23rd, Burke of the 11th and Jones of the 25th

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, and Code  
2 Section 47-2-263 of the Official Code of Georgia Annotated, relating to credit for certain  
3 past service as an assistant district attorney or employee of the Prosecuting Attorneys'  
4 Council, payment of employee contributions, and credit for service as a full-time law  
5 assistant, so as to rename law assistants as law clerks and staff attorneys; to provide for  
6 related matters; to provide conditions for an effective date and automatic repeal; to repeal  
7 conflicting laws; and for other purposes.

8                   **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9                   **SECTION 1.**

10 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising  
11 Code Section 15-2-19, relating to law assistants, as follows:  
12 "15-2-19.

13         The Justices of the Supreme Court shall be authorized to appoint ~~law assistants~~ law clerks  
14 and staff attorneys for the use of the court and to remove them at pleasure. The ~~law~~  
15 ~~assistants~~ law clerks and staff attorneys shall have been admitted to the bar of this state as  
16 practicing attorneys; provided, however, that an individual who graduated from law school  
17 but who is not a member of the bar of this state may be appointed as a ~~law assistant~~ law  
18 clerk or staff attorney so long as he or she is admitted to the bar of this state within one  
19 year of such appointment. It shall be the duty of the ~~law assistants~~ law clerks and staff  
20 attorneys to attend all sessions of the court, if so ordered, and generally to perform the  
21 duties incident to the role of ~~law assistant~~ law clerk or staff attorney."

22                   **SECTION 2.**

23 Said title is further amended by revising Code Section 15-3-9, relating to law assistants, as  
24 follows:

25 "15-3-9.

26 (a) The Judges of the Court of Appeals shall be authorized to appoint ~~law assistants~~ law  
27 clerks and staff attorneys for the use of the court and to remove them at pleasure. Each ~~law~~  
28 ~~assistant law clerk or staff attorney~~ of the Court of Appeals shall have been admitted to the  
29 bar of this state as a practicing attorney; provided, however, that an individual who  
30 graduated from law school but who is not a member of the bar of this state may be  
31 appointed as a ~~law assistant~~ law clerk or staff attorney so long as he or she is admitted to  
32 the bar of this state within one year of such appointment.

33 (b) It shall be the duty of a ~~law assistant~~ law clerk or staff attorney to attend all sessions  
34 of the court, if so ordered, and generally to perform the duties incident to the role of ~~law~~  
35 assistant law clerk or staff attorney."

36 **SECTION 3.**

37 Said title is further amended by revising Code Section 15-6-28, relating to law assistants and  
38 court administrators for judicial circuits and circuits having institutions for carrying out death  
39 sentences, as follows:

40 "15-6-28.

41 (a) The chief judge of each judicial circuit is authorized to employ either one ~~law assistant~~  
42 law clerk, one staff attorney, or one court administrator for the circuit. Each judicial circuit  
43 is authorized to employ additional ~~law assistants~~ law clerks, staff attorneys, and  
44 administrators subject to availability of funds.

45 (b) The chief judge of a judicial circuit wherein there is located an institution of the state  
46 designated by the Department of Corrections for carrying out the death sentence is  
47 authorized to employ a ~~law assistant~~ law clerk or staff attorney, whose primary duty shall  
48 be to assist the court in handling appeals made by individuals awaiting execution.

49 (c) All personnel actions involving ~~law assistants~~ law clerks, staff attorneys, and court  
50 administrators employed pursuant to this Code section shall be in accordance with the  
51 provisions of Code Section 15-6-27.

52 (d) Funds for salaries, expenses, and other remuneration for ~~law assistants~~ law clerks, staff  
53 attorneys, and court administrators employed pursuant to this Code section shall be paid  
54 from state funds appropriated or otherwise available for the operation of the superior  
55 courts."

56 **SECTION 4.**

57 Code Section 47-2-263 of the Official Code of Georgia Annotated, relating to credit for  
58 certain past service as an assistant district attorney or employee of the Prosecuting Attorneys'

59 Council, payment of employee contributions, and credit for service as full-time law assistant,  
60 is amended by revising subsection (c) as follows:

61 "(c) Any member who is subject to Code Section 47-2-262 may receive up to four years  
62 of creditable service under this chapter for past service as a full-time law assistant, law  
63 clerk, or staff attorney for a judicial circuit employed pursuant to the provisions of Code  
64 Section 15-6-28 upon payment to the board of trustees of such amount as determined by  
65 the actuary as necessary to grant such benefit without creating any accrued actuarial  
66 liability as to this retirement system. The basis for employee contributions to obtain  
67 creditable service under this Code section shall be the state salary paid to the member  
68 claiming such past service at the time the service was rendered. Such payment must be  
69 made not later than July 1, 2003, or within six months of first or again becoming a member,  
70 whichever is later."

71 **SECTION 5.**

72 This Act shall become effective on July 1, 2020, only if it is determined to have been  
73 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
74 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
75 become effective and shall be automatically repealed in its entirety on July 1, 2020, as  
76 required by subsection (a) of Code Section 47-20-50.

77 **SECTION 6.**

78 All laws and parts of laws in conflict with this Act are repealed.